

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
American Broadcasting Companies, Inc., et al,

Petitioners,

-v-

AEREO, Inc.,

Respondent.
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12 Civ. 1540 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 14, 2013, prior to the completion of discovery, Aereo filed a motion for summary judgment. (Dkt. No. 195). On June 6, 2013, certain Plaintiffs filed a cross-motion for summary judgment. These motions are fully briefed. The case is referred for general pretrial management before Magistrate Judge Pitman, who has set a discovery schedule whereby the fact discovery closed on October 30, 2013, and expert discovery is set to close February 3, 2014. On January 10, 2014, the United States Supreme Court granted certiorari to address Plaintiffs' appeal of this Court's and the Second Circuit's denial of a preliminary injunction.

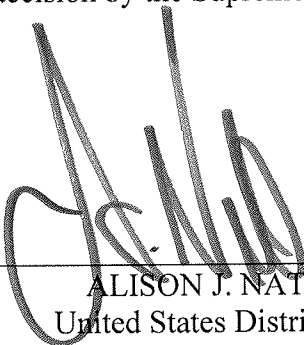
Having reviewed the parties' pending summary judgment motions, the Court concludes that it would not be an efficient use of resources to resolve these motions at this time. Given that discovery is nearly complete, rather than attempt to render a decision on an incomplete summary judgment record, the Court concludes that the efficient course is to allow the parties to raise these arguments after discovery has closed. Moreover, the Supreme Court's grant of certiorari suggests that the law governing the issues raised by these motions may be explained or clarified in ways that materially affect the outcome of this matter.

As such, the Court administratively DENIES the parties' summary judgment motions without prejudice and with leave to refile such motions with supplemental briefing after the Supreme Court's decision. This resolves docket number 195 in 12-cv-1540 and docket numbers 197 and 208 in 12-cv-1543.

The parties are directed to submit a joint letter, no later than January 20, 2014, to this Court with copy to Magistrate Judge Pitman stating their positions on whether the matter, including discovery, should be stayed pending decision by the Supreme Court.

SO ORDERED.

Dated: January 13, 2014
New York, New York



ALISON J. NATHAN
United States District Judge